



~~CONFIDENTIAL~~ ORIGINAL

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State Bar Court of California		
Hearing Department <input checked="" type="checkbox"/> Los Angeles <input type="checkbox"/> San Francisco		
PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND MENTAL HEALTH ISSUES		
<p>Counsel for the State Bar OFFICE OF THE CHIEF TRIAL COUNSEL - ENFORCEMENT DAVID T. SAUBER 1149 South Hill Street, 9<sup>th</sup> Floor Los Angeles, CA 90015-2299 Telephone: (213) 765-1000</p> <p>Bar # 176554</p>	<p>Case Number(s)  04-C-13056; 05-C-01324</p> <p><b>PUBLIC MATTER</b></p>	<p>(for Court use)</p> <p><b>LODGED</b></p> <p>JAN 18 2006</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p><b>FILED</b></p> <p>OCT 14 2010</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p><input checked="" type="checkbox"/> Counsel for Respondent <input type="checkbox"/> In Pro Per</p> <p>ELLEN ANNE PANSKY 1114 Fremont Avenue South Pasadena, California 91030 Telephone: (213) 626-7300</p> <p>Bar # 77688</p>	<p>Submitted to Program Judge</p> <p><b>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of KIRK C. CHAMBERLIN</p> <p>Bar # 132946 A Member of the State Bar of California (Respondent)</p>		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

#### A. Parties' Acknowledgments:

- Respondent is a member of the State Bar of California, admitted January 5, 1988  
(date)
- The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on Respondent or the State Bar.
- All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated, except for Probation Revocation Proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation and order consists of        pages.
- A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- Conclusions of law, drawn from and specifically referring to the facts, are also included under "Conclusions of Law."

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- (6) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§ 6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

**B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.**

- (1) ☐ **Prior Record of Discipline [see standard 1.2(f)]**
- (a) ☐ State Bar Court Case # of prior case \_\_\_\_\_
- (b) ☐ Date prior discipline effective \_\_\_\_\_
- (c) ☐ Rules of Professional Conduct/State Bar Action violations \_\_\_\_\_
- (d) ☐ Degree of prior discipline \_\_\_\_\_
- (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline" (above)
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to the victims of his/her misconduct or the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrong doing or demonstrates a pattern of misconduct.
- (8) ☐ **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

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**C. Mitigating Circumstances [standard 1.2(e)]. Facts supporting mitigating circumstances are required.**

- (1) ☒ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☒ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation to the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat of force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish were directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drugs or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW**

IN THE MATTER OF:       **KIRK C. CHAMBERLIN** ("Respondent"), #132946

CASE NUMBER:           **04-C-13056; 05-C-01324**

**PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(6), was February 9, 2005.

**WAIVER OF FINALITY OF CONVICTION (rule 607):**

Pursuant to the Rules of Procedure of the State Bar of California, rule 607 the parties stipulate that the Court may decide the issues as to the discipline to be imposed even if the criminal convictions discussed herein are not final.

Respondent waives finality of his conviction and consents to the State Bar Court's acceptance of this Stipulation as to facts, conclusions of law and discipline in all respects as if the conviction was final, including the entry of findings consistent with this Stipulation, imposition of discipline, or entry of a recommendation as to the degree of the discipline to be imposed.

Respondent waives any right to challenge on the basis of a lack of finality of his conviction the State Bar Court's recommendation of discipline, if any, and the actual imposition of discipline, if any, by the State Bar Court or the California Supreme Court.

Respondent further waives any right he may have to seek review or reconsideration on the basis of any relief he may receive as a result of any appeal of, or petition regarding, the criminal conviction underlying any recommendation of and/or actual imposition of discipline by the State Bar Court or the California Supreme Court.

**STIPULATION AS TO FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct, or has otherwise committed acts of misconduct warranting discipline:

**Facts for Case No. 04-C-13056:**

On November 24, 2003, the District Attorney filed a felony criminal complaint in the Superior Court of the County of Los Angeles, case no. LA044467, charging that Respondent wilfully committed a lewd acts upon a child under the age of fourteen [Penal Code section 288(a)].

On July 1, 2004, the complaint was amended by interlineation to add a misdemeanor violation of Penal Code 272(a)(1) [contributing to the delinquency of a minor]. The original felony count was dismissed and Respondent plead guilty to the amended misdemeanor count of contributing to the delinquency of a minor. Imposition of sentencing was suspended and Respondent was placed on Formal Probation for a period of five (5) years on conditions that include, among others, that he serve 45 days in jail; pay fees, fines and penalties; not associate with the

Victim or any minor children except his biological children; cooperate with his probation officer in a plan for psychiatric treatment; obey all laws; obey all rules and regulations of the Probation Department; and, make civil restitution to the Victim as the probation officer shall prescribe. Respondent was present in Court and acknowledged to the Court that he understood and accepted all terms of probation.

One of the rules and regulations of the probation department is to remain in Los Angeles County unless permitted by the court or the probation department. On July 16, 2004 Respondent signed a probation document entitled "Instruction to Adult Probationer", item 2 of which states:

To remain in Los Angeles County or county of residence unless permitted by court or Probation Officer to go elsewhere. Request to leave State should be made two months in advance.

On July 20, 2004, Respondent reported to his Probation Officer that he was in San Antonio, Texas, an admission that he left the County of Los Angeles and the State. Respondent had left the County of Los Angeles and the State without permission of the court or his Probation Officer. This was a technical violation of the court's order for probation.

On August 23, 2004, Respondent's case was called before the criminal court for a probation violation. Respondent was not present but was represented by counsel. The court revoked Respondent's probation and ordered him to personally appear on August 25, 2004. Respondent was present on August 25, 2004, and his probation was reinstated on the same terms and conditions and the court admonished Respondent regarding complying with probation guidelines regarding travel.

On August 1, 2005, the matter was called ro a probation violation hearing in connection with Respondent's conviction in the matter discussed below, Case No. 05-C-01324. Respondent's probation was revoked and reinstated on condition that he serve an additional 45 days in county jail and to submit to drug testing.

A summary of the facts and circumstances surrounding the conviction follows:

Respondent is an adult male (DOB 8/16/62). The incidents described herein happened in late 2002 and early 2003 and involve a 13 year old girl ("Victim"). Victim was often over at Respondent's house where she spent time with his family, including his four daughters.

During the time period in question, Respondent, on various occasions, had physical contact with Victim which included touching her leg, back, and buttocks. This contact also included Victim sitting on Respondent's lap and Respondent kissing Victim.

The circumstances of the conviction included inappropriate contact with Victim through numerous conversations and e-mail transmissions. Respondent e-mailed Victim on many occasions suggesting that they meet at various times or places. (Victim did not meet with Respondent as he suggested in these e-mail.) Further, a number of these e-mail transmissions and conversations were inappropriately suggestive.

In January 2003, Victim's mother intercepted an e-mail transmission between Respondent and Victim. Victim's mother told Respondent to discontinue any further contact with Victim. In February 2003, Victim's mother again intercepted e-mail transmissions between Respondent and

Victim. Victim's mother reported this activity to the law enforcement.

At the July 1, 2004, hearing at which Respondent entered his plea, the judge inquired with the District Attorney as to why they were entering into the negotiated plea. The Deputy District Attorney ("DDA") stated that she had discussed the plea with the family and the reasons for the plea. The DDA then stated that: "In this case the initial charge was a felony; however, the touching involved was minimal."

**Conclusions of Law for Case No. 04-C-13056:**

The facts and circumstances surrounding Respondent's conviction for contributing to the delinquency of a minor [violation of Penal Code section 272(a)(1)] is other misconduct warranting discipline.

**Facts for Case No. 05-C-01324:**

On September 17, 2004, Respondent, his wife, and their two children were in their car driving home. Respondent's wife ("victim") was driving the car. When they came to a stop at the intersection of Victory Boulevard and Valley Circle Boulevard, Respondent and victim were in the midst of a conversation regarding their relationship when Respondent became visibly angered. Respondent struck victim in the face with his left hand causing visible injuries.

Immediately thereafter, victim drove to their home and told Respondent to get out the car. Respondent complied with this demand. Victim then drove their children to her friends house and dropped the children off there. Victim then went to the hospital to receive treatment for her injuries. Police officers responded to the hospital and took the victim's statement and pictures of the injuries to her face (a bruise to her right eye, a small cut to her nose, and a small cut under the right eye).

On or about March 28, 2005, Respondent pled nolo contendere to count one of the Misdemeanor Complaint- Penal Code section 273(a): Inflict corporal injury on spouse. On June 17, 2005, the Court suspended the imposition of sentence for 36 months and ordered that Respondent complete 30 days CalTrans work and attend a 12 month Batterer's Counseling Program.

**Conclusions of Law for Case No. 05-C-01324:**

The facts and circumstances surrounding Respondent's conviction for violating Penal Code section 273(a): Inflict corporal injury on spouse is misconduct warranting discipline.

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In the Matter of  KIRK C. CHAMBERLIN Bar # 132946	Case number(s): 04-C-13056; 05-C01324
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**SIGNATURE OF THE PARTIES**

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

Date

8/31/05

Respondent's signature

KIRK C. CHAMBERLIN  
Print name

Date

9-1-05

Respondent's Counsel's signature

ELLEN ANNE PANSKY  
Print name

Date

9-9-05

Deputy Trial Counsel's signature

DAVID T. SAUBER  
Print name

(Stipulation form approved by SBC Executive Committee 9/18/2002. Revised 12/16/2004)

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Program

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In the Matter of  KIRK C. CHAMBERLIN Bar # 132946	Case number(s): 04-C-13056; 05-C-01324
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## ORDER

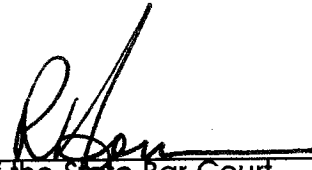
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulation as to facts and conclusions of law is APPROVED.
- ☒ The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- ☐ All court dates in the Hearing Department are vacated.

1. On page 2, paragraph A.(3), insert "8" on the line.
2. On page 4, "Waiver of Finality of Conviction," paragraph 2, line 2, "Stipulation as to facts, conclusions of law and discipline" is deleted and in its place is inserted "Stipulation Re Facts and Conclusions of Law".

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(b), Rules of Procedure.)

1/18/06  
Date

  
\_\_\_\_\_  
Judge of the State Bar Court  
**RICHARD A. HONN**



**CERTIFICATE OF SERVICE**  
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on January 19, 2006, I deposited a true copy of the following document(s):

**CONFIDENTIAL STATEMENT OF ALTERNATIVE DISPOSITIONS AND ORDERS;**

**STIPULATION RE FACTS AND CONCLUSIONS OF LAW; and,**

**CONTRACT AND WAIVER FOR PARTICIPATION IN THE STATE BAR COURT'S ALTERNATIVE DISCIPLINE PROGRAM**

in a sealed envelope for collection and mailing on that date as follows:

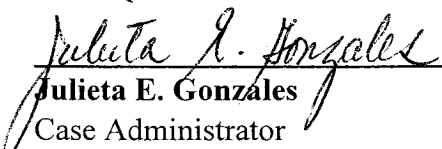
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ELLEN A PANSKY ATTORNEY AT LAW  
PANSKY & MARKLE  
1114 FREMONT AVE  
SOUTH PASADENA, CA 91030**

- [X] by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

**David T. Sauber, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **January 19, 2006**.

  
\_\_\_\_\_  
**Julieta E. Gonzales**  
Case Administrator  
State Bar Court